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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,147	03/25/2004	William Hal Rayman	6816P001	8365
8791	7590	03/16/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/810,147	Applicant(s) RAYMAN, WILLIAM HAL	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-14,16,17 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 3,6,15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |



This is the first office action for application number 10/810,147, Baby Bottle Holding Apparatus, filed on March 25, 2004.

Drawings

The drawings are objected to because reference number "135" at the bottom of Fig. 4A appears to be incorrect and should be --130-- and reference numbers "530" and "540" in Figs. 5A & 5B appear to be referring to the same element of the claimed invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "540" has been used to designate both a baby bottle and a base portion. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "510" in Figs. 5A & 5B, "550" in Fig. 5C, and "140" in Fig. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sound chip, power source, speaker, switch and sound controller in claim 7, the rocket ship, in claim 8, and light source in claim 9, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 8, paragraph 30, line 6 "side521" should be changed to --side 521-- and in paragraph 31, line 3, "bottle540" should be changed to --bottle 540--.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: "An" in line 1 should be changed to --A-- and "lest" in line 2 should be --least--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 7, 9-12, 19, and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a baby bottle," in line 2 of the claim is intended to refer to the original recitation of the term "a baby bottle" in line 7 of claim 1. Applicant is suggested to change the latter recitation to --the baby bottle--.

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Claims 7, 9, 19, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationships between the sound chip, a power source, a speaker, at least one switch and a sound controller cited in claim 7, a power source, a light source, at least one switch for the light source cited in claim 9, and the limitations cited in claim 1, i.e., the claim does not describe how the limitations in claims 7 and 9 interact with the limitations of claim 1. Also see claims 19 and 21-24 as they apply to claim 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 7, 9-13, 16, 17, 19, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,158,870 to Ramirez. Ramirez discloses a baby bottle holder (26) comprising: at least one protruding side; a top portion coupled to a center portion, the center portion having at least one viewing portion (51); a lower portion including a through hole; a base portion (50) removably coupled to the lower portion; wherein the baby bottle holder is adapted to hold a baby bottle (20, 20'); the base portion having a horn shape to prevent tipping of the baby

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bottle holder; the at least one protruding side having a plurality of interconnected keys (28, wires interconnect the buttons, see Col. 8, line 58ff); further including a sound chip (Col. 7, line 20ff), a power source (36), a speaker (31), at least one switch (47) and sound controller (28'); a light source (41') and at least one switch to enable the light source to light; a light source controller; a baby bottle (20, 20') removably coupled to the baby bottle holder; and the baby bottle including a bottle portion, a cap portion (27) including a nipple (24, 24'), and a cap lid (@22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez in view of U.S. Patent 5,044,509 to Petrosky et al., hereinafter, Petrosky. Ramirez discloses the claimed invention except for the limitation of the top portion having a conical shape. Petrosky teaches a baby bottle holder (10) having a top portion (@15) coupled to a center portion (12), a lower portion (23) including a through hole (19), a base portion (13 & 24), and the top portion having a conical shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the holder in Ramirez wherein the baby bottle can be received by the holder from the lower portion through hole as opposed to the top portion and to

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have included the top portion of the holder as taught by Petrosky for the purpose of providing an aesthetically different appearance to the top portion of the bottle holder that substantially conforms to the shape of the baby bottle received within the holder.

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez in view of U.S. Patent D212,921 to Bloomberg. Ramirez discloses the claimed invention except for the limitation of the baby bottle holder being shaped like one of a clarinet, a bugle, a saxophone, and a rocket ship. Bloomberg teaches a baby bottle having a base portion and a handle and wherein the baby bottle is in the shape of a bugle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the top portion of the holder in Ramirez to have included the handle as taught by Bloomberg for the purpose of providing a more efficient gripping means for handling the baby bottle holder as a unit and thus would emulate a shape of a bulge for aesthetic purposes.

Allowable Subject Matter

Claims 3, 6, 15, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,351,007 to Shephard
U.S. Patent 2,926,805 to Mead
U.S. Patent 2,929,290 to Smith
U.S. Patent 3,669,117 to Herbst
U.S. Patent D299,535 to James
U.S. Patent 5,037,046 to Mingledorff, Jr.
U.S. Patent D321,730 to McElhaney
U.S. Patent 5,489,893 to Jo et al.
U.S. Patent 5,536,196 to Sternberg
U.S. Patent 5,842,901 to Montgomery
U.S. Patent 6,186,637 to Murrietta
U.S. Patent 6,652,346 to Arnold, III
U.S. Patent 6,666,417 to Wright
U.S. Patent 6,722,514 to Renz

Shephard discloses a display stand having a base with a plurality of protruding stems. Mead discloses a baby bottle having protrusions on an outer surface. Smith discloses a musical infant-feeding receptacle holder. Herbst discloses a combination teether and pacifier. James discloses a baby bottle support having a rocket ship shape. Mingledorff, Jr. discloses an adjustable baby bottle holder. McElhaney discloses a toy trumpet. Jo et al. disclose a memory-type recording/playback device used by fitting a milk bottle. Sternberg discloses a drinking vessel with sound effects. Montgomery discloses a baby bottle with musical and vibratory adapters. Murrietta discloses a baby


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bottle with light and sound amusement features. Arnold, III discloses a musical baby bottle system. Wright discloses a baby bottle attachment. Renz discloses an easy to hold container with viewing portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

March 10, 2005